

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|---|-----------------------|
| JAMES WILLEY, on behalf of himself and all |) | |
| others similarly situated, |) | |
| |) | |
| Plaintiff, |) | No. 09 Civ. 1397 (CM) |
| |) | |
| v. |) | |
| |) | ECF CASE |
| J.P. MORGAN CHASE, N.A., |) | |
| |) | |
| Defendant. |) | |

NOTICE OF DEFENDANT'S MOTION TO DISMISS COMPLAINT

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the Declaration of Noah A. Levine, and the exhibits thereto, defendant J.P. Morgan Chase, N.A.,¹ by its undersigned attorneys, will move the Court before Judge Colleen McMahon, 500 Pearl Street, Courtroom 21B, New York, New York 10007, at a date and time to be determined by this Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the complaint.

Defendant respectfully requests oral argument.

Dated: April 24, 2009
New York, New York

Respectfully submitted,

By: /s/ Noah A. Levine
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¹ The complaint names "J.P. Morgan Chase, N.A." as defendant, but no such entity exists. Plaintiff may have intended to name JPMorgan Chase Bank, N.A., or to name some other entity.